

THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

Minutes
August 16, 2011

A regular Board Meeting of the Kentucky Board of Licensure for Private Investigators was held at the Board offices, Office of Occupations and Professions, 911 Leawood Drive, Frankfort, KY on August 16, 2011.

MEMBERS PRESENT

Edward Mercer, Chairman
Mary Cope Halmhuber, Citizen at Large
Daniel Triplett, Private Investigator
John L. Logdon, Private Investigator
Tracy J. Watwood, Police Officer
Nicole H. Pang, Representing Attorney General

OCCUPATIONS & PROFESSIONS STAFF

Jeremy Horton, Deputy Executive Director
Adriana Lang, Board Administrator

MEMBER ABSENT

Sheriff Kathryn H. Whitt

OTHERS PRESENT

Angela Evans, Board Counsel
John Steffen, Ethics

CALL TO ORDER

The Chairman, Mr. Mercer, called the meeting to order at 1:05 p.m.

ETHICS TRAINING

Mr. John Steffen, Executive Director from the Executive Branch Ethics Commission spoke to the Board regarding the Executive orders 2008-454 and 2009-882. Mr. Steffen discussed the Prohibition against Self Dealing, Obligation to disclose and abstain and Acceptance of gifts. Mr. Steffen informed the Board that (1) no member of a state policy-making or regulatory board or commission, personally or through a business of which the member owns or controls an interest of more than five percent (5%), or by any other person for the member's use or benefit (spouse), may hold or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the board, commission, authority, council or committee on which he or she serves. (2) A state policy-making or regulatory board or commission member must disclose to other members of the board, commission, authority, council or committee of which he or she is a member, any direct or indirect interest in any undertaking that puts the member's personal interest in conflict with that of the board or commission on which he or she serves and if a member who is required to publicly disclose a direct or indirect interest is required to abstain from all decisions concerning his or her interest if the decision will affect him or her as a member of a business, profession, occupation, or group differently from other members of the business, profession, occupation or group. (3) Members of policy-making or regulatory boards and commissions are subject to the gift rules applicable to executive branch public servants found in KRS 11A.045(1). A board or commission member, and his or her spouse and dependent children, are prohibited from accepting gifts, including but not limited to travel expenses, meals alcoholic beverages, and honoraria, totaling a value of more than \$25.00 per source, in a single calendar year, from any person or business that is: (1) Doing business with (2) Regulated by (3) Seeking grants from (4) Involved in litigation against (5) Lobbying, or (6) Attempting to influence the actions of the board, commission, authority, or council on which the member serves. Mr. Steffen discussed the Advisory Opinion 08-16 and Advisory Opinion 09-12. No actions were taken.

APPROVAL OF MINUTES

The minutes of July 7, 2011 regular meeting was called to the attention of the members. A motion was made by Ms. Halmhuber to approve the minutes, as amended. The motion, seconded by Mr. Logdon, carried unanimously.

FINANCIAL STATEMENTS

The Board reviewed the Financial Statements for the period ending June 30, 2011, 2011 Year End and Year End. Mr. Horton introduced the new version of the Financial Statement from July 1 through July 31, 2011. Mr. Horton provided a detailed explained of the new Financial Statement. Mr. Triplett made a motion to accept the Financial Statements, as presented. The motion, seconded by Mr. Watwood, carried unanimously.

LICENSURE STATUS REPORT

The Board reviewed the Licensure Status Report ending August 16, 2011. Mr. Logdon made a motion to accept the Licensure Status Report. The motion, seconded by Ms. Halmhuber, carried unanimously.

OFFICE OF OCCUPATIONS AND PROFESSIONS REPORT

Mr. Horton stated that he communicated via the telephone via Karen Duchane regarding the ongoing draft of the contract between the Kentucky Board of Licensure for Private Investigators (KBLPI) and Schroeder Measurement Technologies (SMT) and was informed that Ms. Duchane was going to contact Mr. Mercer by telephone to try to get the matter resolved. Mr. Mercer stated that he had not been contact by SMT yet and asked Mr. Horton to contact Ms. Duchane on behalf of the Board to get the contract for the Board to review at the next schedule Board meeting. Mr. Horton stated that he would do so.

Mr. Horton stated that the draft of the Memorandum of Agreement (MOA) between the KBLPI and the O&P is still in process close to be finalized.

ATTORNEY'S REPORT/LEGAL MATTERS

Ms. Evans provided the following report:

- 1) Explained the Administrative Hearing process.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met at 11:00 a.m. Ms. Halmhuber provided the following report:

09-004- Ongoing.

Ms. Pang recused herself from complaint 2011-01 and left the room at 2:00 p.m.

2011-01- Dismiss for insufficient evidence of violation.

Ms. Pang returned to the room at 2:05 p.m.

2011-02- Ongoing.

2011-03- Ongoing.

2011-04 Ongoing.

2011-06- Dismiss for insufficient evidence of violation.

Ms. Halmhuber made a motion to accept the Complaint Committee Report. The motion, seconded by Mr. Watwood, carried.

NEW BUSINESS

The Board reviewed a correspondence from John "Jack" Fay requesting the board to add his company web link on the Board's website. The Board asked Ms. Lang to send a letter in response stating that the Board no longer lists continuing education associations or providers links on their website.

The Board reviewed a correspondence from Lawrence Froman regarding licensure eligibility. The Board requested Ms. Lang to send a letter in response referring him to KRS 329A.035 (3) (d)(1).

The Board reviewed an e-mail from Laurel Rudd regarding the international Association Security and Investigative Regulators (IASIR) 2011 Conference. Mr. Logdon made a motion for Mr. Mercer to attend the IASIR 2011 Conference and to approve his travel expenses. The motion, seconded by Mr. Watwood, carried unanimously.

Mr. Logdon informed the Board that the state of Indiana a background check as part of their renewal requirements.

The Board rescheduled their December 1, 2011 meeting to December 7, 2011 at 1:00 p.m. at the Office of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky.

Mr. Mercer provided a report on his attendance to the Kentucky Professional Investigators Association (KPIA) meeting. Mr. Mercer appointed himself, Ms. Pang, Mr. Watwood and Evans as member of the Continuing Education Committee and he stated that the Continuing Education Committee will be working with the KPIA in the near future.

Mr. Mercer appointed Ms. Halmhuber, Mr. Triplett and Mr. Logdon and Ms. Evans to a Special Committee to work on KRS 329A.045.

APPLICATION REVIEW COMMITTEE REPORT

The application Committee met at 10:00 a.m. Mr. Watwood provided the following report:

INDIVIDUALS APPROVED WITH PROVISIONS: *Donald Ledley, Raymond Gillis, Terry Spainboward and Michael Teti.*

A motion was made by Mr. Watwood to approve with provisions above names. The motion, seconded by Mr. Triplett, carried unanimously.

INDIVIDUALS DEFERRED: *Lee Zadakaus.*

A motion was made by Mr. Watwood to defer the above name. The motion, seconded by Ms. Pang, carried unanimously.

COMPANY APPROVED: *Jenkins Professional Investigations, LLC.*

A motion was made by Mr. Watwood to approve the above company. The motion, seconded by Ms. Halmhuber, carried unanimously.

COMPANIES APPROVED WITH PROVISIONS: *Delta Associates Investigations, Inc. and DigiStream Mid-Atlantic, LLC.*

A motion was made by Mr. Watwood to approve with provisions the above companies. The motion, seconded by Mr. Triplett, carried unanimously.

INDIVIDUALS RENEWAL APPROVED: *Richard Beach, William Maples and Thomas Quinlan.*

A motion was made by Mr. Watwood to approve the above renewals. The motion, seconded by Mr. Triplett, carried unanimously.

INDIVIDUALS APPROVED PENDING: *Josephine Guy and Christopher Thurman.*

A motion was made by Mr. Watwood to approve pending the above renewals. The motion, seconded by Mr. Logdon, carried unanimously.

INDIVIDUAL REINSTATEMENT APPROVED: *Timothy Rourke.*

A motion was made by Mr. Watwood to approve the above reinstatement. The motion, seconded by Ms. Halmhuber, carried unanimously.

APPEALS REQUESTS: *Trace Lawles and James Bartlett.*

A motion was made by Mr. Watwood to authorize Ms. Evans to move forward with the appeal process. The motion, seconded by Ms. Halmhuber, carried unanimously.

QUARTERLY REPORTS APPROVED: *Greater Cincinnati Investigation, HUB Enterprises, Inc. and Litigation Solutions, LLC.*

A motion was made by Mr. Watwood to approve the above Quarterly Reports. The motion, seconded by Mr. Triplett, carried unanimously.

TEMPORARY EMPLOYEES REGISTRATION APPROVED: *Michelle Fern, Ellery Ferrara, Brittany Kubn, Ma'chon Minifield, Jerry Renfro, David Rodriguez, Lisa Rowland and Jeffrey Weller.*

A motion was made by Mr. Watwood to approve the above names. The motion, seconded by Mr. Triplett, carried unanimously.

CONTINUING EDUCATION APPROVED:

The National Society of Professional Insurance Investigators- 2011 Advanced Insurance Fraud Seminar November 14-15, 2011.

TRAVEL AND PER DIEM

A motion was made by Mr. Triplett to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. The motion, seconded by Mr. Logdon, carried unanimously.

ADJOURNMENT

The Chairman, Mr. Mercer informed the Board that the next meeting is scheduled for Thursday September 1, 2011 at 1:00 p.m., the Application Review Committee Meeting at 10.00 a.m. Having no further business to be brought before the Board, a motion was made by Mr. Logdon to adjourn. Motion seconded by Mr. Watwood, carried unanimously. The meeting adjourned at 2:50 p.m.

APPROVED